

# SENATE BILL 771

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By: **Senators Conway, Colburn, Currie, Ferguson, Forehand, Frosh, Kelley, Klausmeier, Madaleno, Manno, Mathias, McFadden, Middleton, Montgomery, Pinsky, Pugh, Ramirez, Raskin, Young, and Zirkin**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Student–Athletes – Concussions**

3 FOR the purpose of requiring the State Department of Education, in collaboration  
4 with certain organizations and individuals, to develop certain policies and  
5 implement a certain program; requiring a certain program to include a certain  
6 verification process; requiring county boards of education to provide a certain  
7 information sheet to certain individuals; requiring certain individuals to sign  
8 certain statements; requiring the Department to create a certain information  
9 sheet and acknowledgement statement; requiring the removal from play of  
10 certain student–athletes; prohibiting the return to play of certain  
11 student–athletes until certain student–athletes receive certain evaluation and  
12 clearance; requiring youth sports programs to provide certain information to  
13 county boards under certain circumstances; defining certain terms; and  
14 generally relating to the development of policies and implementation of a  
15 program to provide awareness on the nature and risk of concussions.

16 BY adding to

17 Article – Education

18 Section 7–432

19 Annotated Code of Maryland

20 (2008 Replacement Volume and 2010 Supplement)

21 Preamble

22 WHEREAS, A concussion is one of the most commonly reported injuries in  
23 children and adolescents who participate in sports and recreational activities; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, The Centers for Disease Control and Prevention estimates that as  
2 many as 3,900,000 sports-related and recreation-related concussions occur in the  
3 United States each year; and

4 WHEREAS, A concussion is a type of brain injury that may range from mild to  
5 severe and can disrupt the way the brain normally works; and

6 WHEREAS, A concussion may occur in any organized or unorganized sport or  
7 recreational activity and may result from a fall or from players colliding with each  
8 other, the ground, or other obstacles; and

9 WHEREAS, A concussion may occur with or without loss of consciousness, but  
10 the vast majority of concussions occur without loss of consciousness; and

11 WHEREAS, Continuing to play with a concussion or symptoms of head injury  
12 leaves a young athlete especially vulnerable to greater injury and even death; now,  
13 therefore,

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Education**

17 **7-432.**

18 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
19 **MEANINGS INDICATED.**

20 **(2) “CONCUSSION” MEANS A TRAUMATIC INJURY TO THE BRAIN**  
21 **CAUSING AN IMMEDIATE AND, USUALLY, SHORT-LIVED CHANGE IN MENTAL**  
22 **STATUS OR AN ALTERATION OF NORMAL CONSCIOUSNESS RESULTING FROM:**

23 **(I) A FALL;**

24 **(II) A VIOLENT BLOW TO THE HEAD OR BODY; OR**

25 **(III) THE SHAKING OR SPINNING OF THE HEAD OR BODY.**

26 **(3) “STUDENT-ATHLETE” MEANS AN INDIVIDUAL WHO IS 17**  
27 **YEARS OLD OR YOUNGER OR WHO IS A PHYSICALLY OR MENTALLY DISABLED**  
28 **INDIVIDUAL OF ANY AGE WHO PARTICIPATES IN AN ATHLETIC ACTIVITY IN**  
29 **ASSOCIATION WITH:**

30 **(I) AN EDUCATIONAL INSTITUTION; OR**

1 (II) A NONINTERSCHOLASTIC YOUTH SPORTS PROGRAM  
2 CONDUCTED:

3 1. AT A PUBLIC SCHOOL FACILITY; OR

4 2. BY A RECREATIONAL ATHLETIC ORGANIZATION.

5 (4) "YOUTH SPORTS PROGRAM" MEANS A PROGRAM ORGANIZED  
6 FOR RECREATIONAL ATHLETIC COMPETITION OR INSTRUCTION FOR  
7 PARTICIPANTS WHO ARE:

8 (I) UNDER THE AGE OF 18 YEARS; OR

9 (II) PHYSICALLY OR MENTALLY DISABLED REGARDLESS OF  
10 AGE.

11 (B) (1) THE DEPARTMENT, IN COLLABORATION WITH THE  
12 DEPARTMENT OF HEALTH AND MENTAL HYGIENE, EACH COUNTY BOARD, THE  
13 MARYLAND PUBLIC SECONDARY SCHOOLS ATHLETIC ASSOCIATION, THE  
14 MARYLAND ATHLETIC TRAINERS ASSOCIATION, THE BRAIN INJURY  
15 ASSOCIATION OF MARYLAND, AND REPRESENTATIVES OF LICENSED HEALTH  
16 CARE PROVIDERS WHO TREAT CONCUSSIONS, SHALL DEVELOP POLICIES AND  
17 IMPLEMENT A PROGRAM TO PROVIDE AWARENESS TO COACHES, SCHOOL  
18 PERSONNEL, STUDENT-ATHLETES, AND THE PARENTS OR GUARDIANS OF  
19 STUDENT-ATHLETES, ON:

20 (I) THE NATURE AND RISK OF A CONCUSSION AND HEAD  
21 INJURY;

22 (II) THE CRITERIA FOR REMOVAL FROM AND RETURN TO  
23 PLAY;

24 (III) THE RISKS OF NOT REPORTING INJURY AND  
25 CONTINUING TO PLAY; AND

26 (IV) THE APPROPRIATE ACADEMIC ACCOMMODATIONS FOR  
27 STUDENT-ATHLETES WHO ARE SUSPECTED OF SUSTAINING A CONCUSSION OR  
28 OTHER HEAD INJURY.

29 (2) THE PROGRAM SHALL INCLUDE A PROCESS TO VERIFY THAT A  
30 COACH HAS RECEIVED INFORMATION ON THE PROGRAM DEVELOPED UNDER  
31 PARAGRAPH (1) OF THIS SUBSECTION.

1           **(3) (I) BEFORE A STUDENT-ATHLETE MAY PARTICIPATE IN AN**  
2 **ATHLETIC ACTIVITY, THE COUNTY BOARD SHALL PROVIDE A CONCUSSION AND**  
3 **HEAD INJURY INFORMATION SHEET TO THE STUDENT-ATHLETE AND A PARENT**  
4 **OR GUARDIAN OF THE STUDENT-ATHLETE.**

5           **(II) THE STUDENT-ATHLETE AND THE PARENT OR**  
6 **GUARDIAN OF THE STUDENT-ATHLETE SHALL SIGN A STATEMENT**  
7 **ACKNOWLEDGING RECEIPT OF THE INFORMATION SHEET.**

8           **(III) THE DEPARTMENT SHALL CREATE THE INFORMATION**  
9 **SHEET AND ACKNOWLEDGEMENT STATEMENT REQUIRED UNDER THIS**  
10 **PARAGRAPH.**

11           **(4) THE DEPARTMENT MAY USE MATERIALS AVAILABLE FROM**  
12 **THE CENTERS FOR DISEASE CONTROL AND PREVENTION, THE BRAIN INJURY**  
13 **ASSOCIATION OF MARYLAND, OR ANY OTHER APPROPRIATE SOURCE TO**  
14 **FULFILL THE REQUIREMENTS OF THIS SUBSECTION.**

15           **(C) (1) A STUDENT-ATHLETE WHO IS SUSPECTED OF SUSTAINING A**  
16 **CONCUSSION OR ANY OTHER HEAD INJURY IN A PRACTICE OR GAME SHALL BE**  
17 **REMOVED FROM PLAY AT THAT TIME.**

18           **(2) A STUDENT-ATHLETE WHO HAS BEEN REMOVED FROM PLAY**  
19 **MAY NOT RETURN TO PLAY UNTIL THE STUDENT-ATHLETE HAS OBTAINED**  
20 **WRITTEN CLEARANCE BY A LICENSED HEALTH CARE PROVIDER TRAINED IN THE**  
21 **EVALUATION AND MANAGEMENT OF CONCUSSIONS AND HEAD INJURY.**

22           **(D) BEFORE THE FIRST USE OF A PUBLIC SCHOOL FACILITY, A YOUTH**  
23 **SPORTS PROGRAM SHALL PROVIDE TO THE COUNTY BOARD A STATEMENT OF**  
24 **COMPLIANCE WITH THE REQUIREMENTS FOR THE MANAGEMENT OF A**  
25 **CONCUSSION OR OTHER HEAD INJURY OF A STUDENT-ATHLETE UNDER**  
26 **SUBSECTION (C) OF THIS SECTION.**

27           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
28 **July 1, 2011.**